

## REMARKS

In the Office Action dated October 4, 2000, claims 1-9 and 12-13 were rejected under 35 U.S.C. §112, second paragraph, as indefinite based upon the use of the term "decorative surface." Claims 1-7 and 12 were rejected under 35 U.S.C. §102(b) as anticipated by Sauder, U.S. Patent No. 3,975,876. Claims 1, 2, 9, 10 and 11 were rejected under 35 U.S.C. §103(a), as unpatentable over Walker, U.S. Patent No. 5,055,083 in view of Ojeda, U.S. Patent No. 6,065,253.

Claims 14-17 were allowed. Claim 8 was noted to be allowable if rewritten to overcome the rejection under 35 U.S.C. §112. and to include all of the limitations of the base and intervening claims. The Examiner's careful review of the application is noted with appreciation.

Claim 1 has been canceled and replaced with new claim 19. Claim 8 has been canceled and new independent claim 22, incorporating the features of dependent claim 8, along with the base and intervening claims has been added. Claims 2, 3, and 6 have been amended to depend from new independent claim 19. Claims 10 and 12 have been amended.

With respect to the rejection under 35 U.S.C. § 112, second paragraph, based upon the terminology "decorative surface" the Examiner's attention is directed to following excerpts from the specification:

Decorative cover sheet 49 is attached over the support 45 and magnetically attractable layer by a suitable adhesive. Cover sheet 49 is made of paper or a latex-impregnated cloth and *has the appearance of wallpaper, a mural, outdoor scenery, or similar decor*. Cover sheet 49 can also include *representations of windows, doors, paintings, shelves, or similar objects*. Preferably, cover sheet 49 has approximately the same dimensions as support 45 so that it completely covers and conceals support 45 and magnetically attractable layer 47. In another embodiment, wall panels 20A, 20B include openings for translucent windows and functional doors that can be opened and closed. In this case, the cover sheet 49 is shaped to fit around such doors and windows in the same manner as real wallpaper (and indeed, real wallpaper can be used as cover sheet 49). (page 6,

line 27 - page 7, line 4).

...An example of a coordinated set or subset of wall panels would be three or more walls made to *depict a kitchen, three more made to depict a dining room, and so on. The panels of each subset may also have a distinct theme, such as the inside of a log cabin or the control room of a space ship.* (page 8, line 27 - page 9, line 2).

The kit of the invention can be used to make a series of *different scenes using different interchangeable wall panels and appropriate decorations.* For this purpose several sets of wall panels may be provided that are decorated on one side only, or have decorations on both sides, so that changing scenes can be accomplished by reversing each panel so that former outsides face inside. However, it may be most preferable to provide the outer faces of the wall panels with a *decorative surface* of cover that corresponds to the outside of the scene shown by the inner surfaces of the wall panels. In the case of a doll house, the outer cover, which may be directly adhered to the support, may show a brick home exterior, whereas the inside cover of the wall panel shows the interior of a room.(page 9, lines 8-17)(emphasis added).

Applicant respectfully submits that “decorative surface” as used in the pending claims means a surface decorated to depict scenes, backgrounds and themes appropriate to the environment represented in the particular display and would be readily interpreted as such. Moreover, definiteness is not analyzed in a vacuum, the statute only requires a reasonable degree of certainty. As set forth in MPEP §2173.02:

The essential inquiry pertaining to this requirement [35 U.S.C. §112, second paragraph] is whether the claims set out and circumscribe a particular subject matter with a *reasonable degree* of clarity and particularity. Definiteness of claim language must be analyzed, not in a vacuum, but in light of (1) the content of the particular application disclosure, (2) the teachings of the prior art, and (3) the claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made. (MPEP §2173.02)(emphasis added).

In view of the foregoing, Applicants respectfully submit that “decorative surface” when viewed in light of the instant specification, including the drawings, would be readily understood by one of ordinary skill in the art. Accordingly, claim 12 has been amended to specify that the

decorative surface disposed on at least one side of the support “has an appearance that corresponds to an environment that the interchangeable display system simulates.”

Applicants respectfully submit that the Sauder reference does not anticipate claim 12, or any pending claim, for the following reasons. Sauder discloses a wood frame building wall including panel members inserted in grooves provided in sills, upright posts and in top plates of the of the wall frame. (abstract). The wall frame of the Sauder reference includes a “plurality of upright posts 15, 16 including corner posts 17” that are “adapted to be detachably but firmly secured to the top surface of the sill 11 by means of dowel pin 18 and/or bolt 19 adapted to engage a nut 20 in the post 15 (FIG. 4) at the lower end thereof. (col. 4, lines 2-8). “Adapted to be fixedly secured to the top of post 15-17 is an upper wall plate 21 which is identical in size to the sill 11 and located parallel with and vertically above the same. The upper plate 21 is secured to the posts 15-17 in a way similar to joints with the sill 11, i.e., by dowel pins 22 and bolts 23 and nuts 24 (only one of each shown in FIG. 4). ... The panels 25 are each received between adjacent posts 15-16 or 16-17 by inserting peripheral edges of the panel into mortises or grooves 28 provided at the appropriate surfaces of the post 15-17, of the wall sill 11 and of the upper plate 21.” (col. 4, lines 33-58). Thus, it is readily apparent from the description and drawing of the Sadler reference that the assembly of the frame of Sadler is completed around the wall panels and that Sadler does not provide “a frame including a base and at least one wall section .... which wall section has grooves for slidably receiving a wall panel therein and an opening for inserting a wall panel into the grooves and for removing the wall panel from the grooves, and at least one wall panel slidably inerrable into the grooves of the wall section” as claim 12 specifies. (emphasis added). A panel may be inserted into the frame of Sadler only when the frame is partially assembled - *before* it is a frame. Sadler does not disclose or suggest an opening for

inserting a wall panel into the grooves of an assembled frame, as specified in claim 12.

Therefore it is believed that the claim 12 is allowable over the art of record.

New independent claim 19 specifies a frame including a base, and first and second wall sections, each of which having grooves for receiving a wall panel and openings for inserting a wall panel into the grooves and for removing the wall panel from the grooves. As in the case of claim 12 this feature is not taught or suggested by the Sadder reference. Therefore it is respectfully submitted that new claim 19 is allowable over the Sadder reference.

With respect to the Walker et al. and Agate references, neither of these references teaches an interchangeable panel display kit usable to make an interchangeable panel modular display system, which display system includes *a frame* including a base and wall section for receiving or supporting a wall section. Walker et al. discloses a “simulated toy or play store” comprising a front wall 20, a floor member, a ceiling member, a facade wall and a pair of side walls ...” (col 2, lines 29-31). “The sides 52, 54 are connected via the hook and loop fasteners to the floor member 40. Also, the facade wall 70 is inserted between the floor member 40 and the ceiling member 50 with its lower edge pressure fitted within groove 44 and its lip 74 positioned within the downwardly extending member 59.” The sides, walls and members of the Walker et al. reference cannot *simultaneously* be a frame and wall panels within the language of the pending claims. Consequently, since Walker et al. does not teach suggest or disclose a frame for receiving or supporting wall panels, Walker et al. does not anticipate the currently pending claims.

Agate does not cure the deficiencies of the Walker reference. The Agate reference discloses a playhouse kit, including a building “constructed using members forming walls, roof, and floor of a house shape structure while the member to construct the house are attached to each

other utilizing Velcro™ or other securable attachment means.” As in the case of the Walker et al. reference, the Ojeda reference does not teach suggest or disclose a frame for receiving or supporting wall panels as the currently pending claims specify.

Claim 10 has been amended to specify a frame including a base and a wall section comprising an open rectangular frame having a pair of parallel posts mounted at two adjacent corners of the base, each post having a longitudinal, inwardly facing groove and a beam spanning upper ends of each post, the beam having a slot there through. The Walker et al. and Agate references do not suggest or disclose this feature. As stated in MEP. §2143.03 “To establish a *prima facie* case of obviousness, *all* claim limitations must be taught or suggested by the prior art.” (emphasis added). Because the Walker et al. and Agate references do not teach or suggest a frame, as specified in the pending claims, it is submitted that the pending claims are allowable over the cited references.

New independent claim 22 has been added, incorporating the features of now-canceled claim 8, including the features of the base and intervening claims. As such, new independent claim 22 is believed allowable in light of the notice in the Office Action regarding now-canceled claim 8.

It is believed that no additional fees are due. If this is incorrect, please charge any additional fees to deposit account 50-1588.

Applicant has made an earnest effort to place the case in condition for allowance.

Favorable action and passage of the case to issue are respectfully requested.

Respectfully submitted:

A handwritten signature in black ink, appearing to read "Philip G. Meyers", written over a horizontal line.

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